

CUSTODY, PARENTING TIME ("VISITATION") AND CHILD SUPPORT

3

To Change an Existing Court Order

The Court Order
(Instructions Packet)

SELF-SERVICE CENTER

TO CHANGE A COURT ORDER FOR CUSTODY AND/OR PARENTING TIME WITH CHILD SUPPORT

PETITIONER AND RESPONDENT

PART 3 -- THE COURT ORDER (Instructions Only)

This packet contains court instructions to file papers for the court order to change child custody and/or parenting time with child support. Be sure the documents are in the following order:

Order	File Number	Title	# pages
1	DRMC8it	Table of Contents (this page)	1
2	DRMC80i	Instructions: How to Complete Your <i>“Order to Modify Custody, Parenting time and Child Support”</i> and Other Court Papers	1
3	DRMC80p	Procedures: How to Get Your <i>“Order to Modify” Signed by the Judge</i>	1
4	DRCVG11h	<i>“Parent/Child Access Guidelines”</i>	6
5	DRS82i	Instructions to Complete <i>“Order of Assignment”</i>	1
5	DRMW82i	Instructions for Completing an <i>“Order <u>Stopping</u> an Order of Assignment”</i>	1

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INSTRUCTIONS: HOW TO COMPLETE YOUR **"ORDER TO MODIFY CHILD CUSTODY, SUPPORT, and PARENTING TIME** ("visitation") and **OTHER COURT PAPERS**

STEP 1: Complete the forms in this packet before going to your court hearing.

- Have in front of you a copy of the current **"Parenting Plan"** (if you have one), **"Child Custody/Parenting Time Order,"** the **"Child Support Order,"** and any **"Order of Assignment."** You will need to look at these documents to complete the paperwork and to answer the Judge's questions at the hearing.

STEP 2: Complete the **"Order Modifying Child Custody, Support, and Parenting Time"**

- If your court order was originally from another county, make sure you use the new case number the Maricopa County Clerk of the Court assigned you.
- Leave the rest of the Order blank for the Judge to fill in.

STEP 3: Complete the other necessary documents to change custody, parenting time and support.

- **"Parenting Plan."** Use the **"Parent-Child Access Guidelines"** in Instruction Packet Number 3 to help you complete this form. You may also find **"Model Parenting Plans for Parent-Child Access"** very helpful. The **"Plan"** is available for purchase from the Self-Service Centers or for free online from the state Supreme Court's web site at : <http://www.supreme.state.az.us/nav2/childfam.htm> (Scroll down the page and select **"Model Parenting Time Plans for Parent/Child Access"**).

Hints to help you complete the **"Parenting Plan."**

1. State your parenting time arrangements as clearly as possible. For example, **Alternating weekends from after work on Friday, at 6:00 p.m. until Sunday at 6:00 p.m.**
 2. Avoid vague or unclear statements such as "will share, will divide, or will decide later." These statements may result in future disputes related to different interpretations. Although flexibility and mutual agreement is encouraged, the document must be specific to be legally enforceable.
- **"Order of Assignment."** - Required if this modification results in a change of who is required to pay or in the amount of child support to be paid. See the instructions in this packet to help you fill out this Order.
 - **"Order Stopping an Order of Assignment."** - Required if this modification results in the person who is currently ordered to pay *no longer* having to pay. See the instructions in this packet to help you fill out this Order.
 - **"Current Employer Information Sheet."** Required if this modification results in the person currently ordered to pay *no longer* having to pay, **AND** if another party must now begin to pay who was not ordered to pay under the previous Order. **If both situations result from this modification, copy the form before filling it out: you will need one for:**
 1. the party who gets to stop making payments, and a separate one for
 2. the party who must begin making payments.

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PROCEDURES: HOW TO GET YOUR ORDER TO MODIFY SIGNED BY THE JUDGE

STEP 1 Make two (2) copies of the following documents*:

"Order Modifying Custody, Parenting Time and Child Support"

"Parenting Plan"

"Order of Assignment" ¹ (if applicable) (see matching numbered note in gray box below)

"Order Stopping Order of Assignment" ² (if applicable)

"Current Employer Information Sheet" ³ (for person who gets to *stop* paying) (if applicable)

"Current Employer Information Sheet" ⁴ (for person *newly* ordered to pay) (if applicable)

STEP 2 Separate your documents three (3) sets: One set of Originals and Two sets of copies:

Set 1 (Originals):

"Order Modifying Custody . . ."

"Parenting Plan"

"Order of Assignment" ¹

"Order Stopping Order of Assignment" ²

"Current Employer Info. Sheet" (for current payor) ³

"Current Employer Info. Sheet" (for *new* payor) ⁴

Set 2 (Copies for you)

"Order Modifying Child Custody . . ."

"Parenting Plan"

"Order of Assignment" ¹

"Order Stopping Order of Assignment" ²

"Current Employer Info. Sheet" (for current payor) ³

"Current Employer Info. Sheet" (for *new* payor) ⁴

Set 3 (Copies for Other Party)

"Order Modifying Child Custody . . ."

"Parenting Plan"

"Order of Assignment" ¹

"Order Stopping Order of Assignment" ²

"Current Employer Info. Sheet" (for current payor) ³

"Current Employer Info. Sheet" (for *new* payor) ⁴

NOTE :

¹ Required if this modification results in a change of **who** is required to pay **or** in the amount to be paid.

² Required **only** if this modification results in the person who is currently ordered to pay *no longer* having to pay.

³ Required if this modification results in the person who is currently ordered to pay no longer having to pay.

⁴ Required if this modification results in a (new) person having to pay who did not under the previous Order.

STEP 3 Take the documents to your court default hearing or to your trial for the Judge to review and sign if he or she approves them.

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SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY PARENTING TIME ("Visitation") GUIDELINES

1. PURPOSE

These Guidelines are designed to provide assistance to the parents in the resolution of issues relating to parenting time and to provide assistance to the court in formulating access orders when the parents are unable to reach an agreement. The underlying purpose of any such agreement or order is to provide for the best interest of each child after giving full consideration to the facts and issues that are relevant to each family.

2. USES AND LIMITATIONS

These Guidelines are designed to be used by parents, their attorneys, family counselors and the Conciliation Services of the Court. Effective use of these Guidelines requires that each parent review the Guidelines from beginning to end prior to reaching any conclusion as to the appropriate resolution of each case. These Guidelines will have limited benefit unless each parent reviews the Guidelines fully. After the Guidelines have been reviewed, the parents should develop a child care plan that will be in the best interest of their own child(ren). To use these Guidelines properly, the parties are encouraged to seek the assistance of Conciliation Services. Conciliation Services are available in the form of either counseling or mediation of custody issues, both of which are available **at no charge**.

To facilitate negotiation by parties, a proposed plan of parenting time should be exchanged between the parents whenever the custodial arrangement is at issue. The custodial plans should be as detailed as reasonably possible, while at the same time allowing flexibility for changes, both by the parents and by the child(ren) if sufficiently mature.

The parents should meet annually or as needed to schedule the coming year. The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the child(ren)'s school and extracurricular activities need to be considered when developing such a plan. This is especially true for those parents who do not enjoy a traditional work week. The plan should assign responsibility for transportation, cleaning (both clothes and child(ren)), homework and meals. While parenting time should be an enjoyable and enriching experience to both parents and child(ren), it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a parenting time plan. Arizona law requires that the court, "shall determine custody," in every custody order and in every modification of a custody order. While a court may enter an order regarding parenting time without the direct use of the word "custody," the order must, at some point, designate one parent as the custodial parent or must designate specific periods of time that each parent is the custodial parent.

3. ASSUMPTIONS

These Guidelines are based on the premise that:

- A. Both parents are fit.
- B. Both parents desire to have an ongoing relationship with each child.
- C. Both parents are able to carry out the childcare plan.
- D. Any negotiated solution with meaningful input from the parents and, where applicable, the child(ren), is preferred to a court imposed solution.
- E. It is usually in the child(ren)'s best interest for each parent to have frequent, meaningful and continuing access to the child(ren).

- F. That the child(ren) need(s) reliability, predictability and consistency on the part of each parent.
- G. That frequent, meaningful and continuing access to each parent offers the child(ren) a sense of significance--"I am a person, I am important and I count."
- H. That the child(ren) need(s) continuous access, direct experience and openness of communication with each parent and an absence of involvement in the mutual blaming of the parents.

4. GENERAL RULES

Experience has dictated a number of common sense guidelines that should be followed in every case. Some of these guidelines are also supported by law. Except as otherwise ordered by the court:

- A. Both parents are entitled to access to records and information on the medical care of the child(ren) directly from the health care provider as well as from the other parent. Each parent should notify the other promptly of any significant medical treatment.
- B. Both parents are entitled to access to all school records of the child(ren) directly from the school as well as from the other parent. School reports should be photocopied promptly after receipt and supplied to the other parent. Both parents should be notified promptly of all child-related activities which encourage or allow parental participation.
- C. Both parents are reminded that parenting time and child support, while they may be emotionally connected, are separate legal issues. Arizona law provides that parental access may not be denied due to the failure to pay child support. It also provides that child support may not be withheld due to the failure of a parent to allow access.
- D. Parents should share with each other their residence and work addresses and phone numbers.
- E. Each parent should encourage the child(ren) to initiate telephone and/or mail contact with the other parent on a regular basis.
- F. The parents should not discuss their marital problems with the child(ren). They should not try to turn the child(ren) against the other parent by discussing with the child(ren) the shortcomings of the other parent.
- G. The parents should not attempt to buy the favor of the child(ren) with presents, special treatment, special privileges or promises.
- H. Parents should not make their child(ren) choose between the two parents.
- I. Parents should not question their child(ren) regarding the activities of the other parent.
- J. Parents should not make promises that cannot be kept.
- K. Parents should not fight with the other parent in the presence of their child(ren).
- L. Parents should be prompt with appointments with the child(ren). It is unfair to keep a child waiting, and worse, to disappoint the child(ren) by not showing up at all. When unforeseen circumstances prevent compliance within approximately 15 minutes of the scheduled time of exchange, immediate notification should be given, if possible, and appropriate alternative arrangements should be made. Alternative arrangements may include delayed scheduling, make-up access, or skipped access. For those occasional circumstances when a parent cannot meet the prearranged schedule, that parent should

be responsible for the reasonable expenses incurred for child care, unless otherwise mutually agreed upon by both parents.

- M. Parents should coordinate plans regarding bedtime, discipline, homework schedule and other household rules.

5. FACTORS FOR BASIC AND OPTIONAL ACCESS

The plan for basic and optional access is designed to allow the parents, and the court if necessary, to select the proper child care plan depending upon the family circumstances. Basic access is designed to be just that, a minimum level of access which would apply to a large number of families without further modification. For families considering the optional access, consideration of the following factors are important:

- A. The geographic location of each parent;
- B. Each parent's willingness and ability to perform the child care duties associated with the child(ren), relative to the child(ren)'s stage of development such as feeding, changing, bathing, preparing the child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;
- C. Each parent's ability to care for the child(ren)'s needs (historical involvement alone is not the critical focus; rather, a parent's willingness and ability to learn the necessary skills should be a determining consideration);
- D. The lack of hostility between the parents;
- E. The ability of both parents' work schedules and the child(ren)'s schedule to accommodate extended access;
- F. The child(ren)'s age(s) and strength of attachment to each parent;
- G. The child(ren)'s relationship with his/her friends; and
- H. The regular and consistent access that has been maintained by the visiting parent under the basic access plan along with a desire to increase the time commitment.

Arizona law establishes certain criteria to be met prior to the entry of an order for joint custody. Optional access which approaches an award of joint custody requires compliance with the statutory joint custody criteria.

6. PARENTING TIME

The following guidelines provide various programs for parenting time plans.

A. Infant up to Age Six Months

- 1. **Basic Access:** Ideally, access should be brief but frequent throughout the week. For those parents whose schedules permit, access is recommended three times a week at two hours each for the early months. As the child progresses to the age of six months, an additional four hours should be added during the day on the weekend. For those parents unable to have the frequent access, which is recommended, the alternative would be a four-hour access on the weekend.

2. **Optional Access:** Optional access includes one or more of the following: One access each week following birth and progressing to a total of three to four access times per week at four hours each with a weekend overnight suggested.

B. Six Months to Three Years

1. **Basic Access:** Provided regular access between parents and child(ren) has been maintained, access from six to twelve months should include the day of Saturday, and starting from twelve months to three years, access should progress up to alternate weekends (Saturday a.m. to Sunday p.m.) and one mid-week (not overnight).
2. **Optional Access:** Optional access includes one or more of the following: extending the weekend so that it begins on either Friday or Thursday; allowing additional weekday access; allowing a mid-week overnight access.

C. Three Years to Five Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional) in alternate weeks. Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks.

D. Six Years to Twelve Years

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Optional access includes one or more of the following: begin the weekend on Thursday; end the weekend on Monday or Tuesday; split or alternate the week; one to two mid-week overnights in alternating weeks; add a third weekend per month.
3. **Comment:** As the child(ren) reach junior high, increasing consideration should be given to the child(ren)'s activities; a less structured and more flexible schedule is recommended. Regardless of how unstructured or flexible the schedule is, access must still occur on a regular basis.

E. Thirteen Years and Older

1. **Basic Access:** Alternating weekends; one mid-week (overnight optional). Holidays should be either shared or alternated.
2. **Optional Access:** Additional access as may be arranged between both parents and child(ren).
3. **Comment:** At this age, parents should make individual arrangements for each child regardless of the formal custody arrangements. All schedules, time-sharing, vacation schedules and holidays must remain flexible to accommodate the activities and interest of each child. Direct discussions are encouraged between parents and the child(ren) to formalize the parenting time plan for this age range. The basic access plan described above for this age range is simply a "minimum" plan for those families without any other agreement.

F. Child Care

When one parent will be absent from the home for an extended period of time, the child(ren) should spend the period of absence with the other parent, assuming such plan is appropriate for the child(ren). This also assumes that geographic location of both parents, the child(ren)'s age(s) and outside activities and the parent's work schedules all accommodate the arrangement.

The period of absence which triggers the exchange will vary depending upon the circumstances of the parties. As the hostility level between the parents is reduced, the period triggering the exchange is reduced. This allows additional access between parent and child(ren) and has additional advantage of eliminating the expense for extended care providers.

G. Holidays

Holidays are to be alternated or shared between the parents. The child(ren) should be with mother on Mother's Day and with father on Father's Day.

H. Extended Access/Vacation

Infants and children up to school age should be permitted to have extended access to the other parent on an increasing time basis. It is important to note that for children up to three years of age, the child(ren) should not be deprived of contact with the primary parent for more than one week at a time. For children ages three years to school age, the child(ren) ordinarily should not be deprived of access to the other parent for more than two consecutive weeks. For children six years and older, the basic vacation access should be in the range of two to four weeks with optional access extending up to ten weeks or so. For children in junior high and high school, parents should consider the comments in sections D and E above.

Each parent is entitled to two uninterrupted weeks for out-of-town travel. Except for the two weeks of out-of-town travel, the parent exercising the vacation access time is to allow the other parent the equivalent parenting time that the vacationing parent enjoys during the remainder of the year. The child(ren) should return from vacation at least one week prior to the start of school.

7. PARENT/CHILD ACCESS-LONG DISTANCE

Children under the age of five should not travel alone unless appropriate travel arrangements have been made. Access, including overnights, should be given when a parent is traveling to the community in which the child(ren) lives, provided a minimum of 48 hours notice is given to the other parent. If the parent and child(ren) travel to the other parent's community, similar access should be arranged. During periods of long distance access, access shall be given the other parent.

A. Pre-Kindergarten Age

Access should be provided during the summer and at other times with consideration given to access periods of two to six weeks.

B. Summer Access-School-Age Child

Summer access of four to ten weeks is suggested with consideration for the child(ren)'s employment, organized activities and other outside activities. Consideration should also be given to such factors as the amount of time that the child(ren) has been apart from the other parent, the facilities for the child(ren) available to the other parent who will have summer access,

arrangements that are made for the child(ren)'s care during the summer access, as well as the need for establishing and/or maintaining a relationship with the parent who has summer access.

C. School Year Access-School-Age Child

School year access is suggested, provided it coincides with the child(ren)'s school holiday times.

D. Additional Access

Additional access during the school year is recommended, in particular, on the extended weekends (three-day weekends), provided that the additional access is logistically possible based upon the distance, available transportation, schedule of the children and the parties, and the lack of interference with the child's ongoing schooling.

8. FACTORS FOR LIMITATIONS

There are some families that cannot justify basic access, and reference should then be made to ARS 25-337 and other applicable laws.

9. DEFINITIONS

In the absence of an agreement of the parties or an order of the court, the following terms shall have the meanings set forth below:

- A. **Day:** Up to eight consecutive hours;
- B. **Weekend:** From 5:30 p.m. Friday to 6:00 p.m. Sunday;
- C. **Mid-Week (Not Overnight):** From 5:30 p.m. to 8:00 p.m. In the absence of an agreement as to the day, this shall be on Wednesday;
- D. **Mid-Week (Overnight):** From 5:30 p.m. to 8:00 a.m. In the absence of an agreement as to the day, this shall be Wednesday night;
- E. **Holidays:** This typically includes Thanksgiving, Christmas and Spring break. It also includes such other holidays or days of special observance as per the agreement of the parties or order of the court;
- F. **Long Distance:** Either the court or the parties may define long distance after considering the distance between the parties, the time necessary for travel, the convenience and expense of travel, the availability of resources and other alternatives.

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INSTRUCTIONS: HOW TO COMPLETE AN “ORDER OF ASSIGNMENT”

DEFINITIONS:

- **Obligor** is the person ordered to make support payments.
- **Obligee** is the person or agency entitled to receive support

COMPLETE THIS FORM FOR AN “ORDER OF ASSIGNMENT” IF:

- You have completed a “*Request for an Ex Parte Assignment*” or
- You have been ordered by the court to prepare an “*Order of Assignment*” or
- You are a party to a case in which the court may establish or modify a support obligation.

HOW TO COMPLETE THIS FORM:

TYPE OR PRINT NEATLY USING **BLACK INK**. Follow the instructions given below. Match each numbered step in the instructions with the item on the “*Order of Assignment*” that has the same number.

- (1) Fill in the name of the person who is shown as the Petitioner/Plaintiff on the order that established the support obligation. If there is no order, type or print the name of the person shown as the Petitioner/Plaintiff in the original petition filed in the case.
- (2) Fill in the name of the person shown as the Respondent/Defendant on the order that established the support obligation. If there is no order, type or print the name of the person shown as the Respondent/Defendant in the original petition filed in the case.
- (3) Fill in the case number that appears on the support order. If the order was issued in a county other than the one where you are filing this request and order, leave this item blank. If you do not have an order establishing a support obligation, leave this item blank.
- (4) Fill in the ATLAS number that appears on the support order. If the order was issued in a county other than the one where you are filing this request and order, leave this item blank. If you do not have an order establishing a support obligation, leave this item blank.
- (5) Fill in the complete name (first, middle and last) and the Social Security Number of the Obligor (the person ordered to make support payments.)

STOP: The Judicial Officer or staff will complete the rest of this page.

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INSTRUCTIONS FOR COMPLETING AN "ORDER STOPPING AN ORDER OF ASSIGNMENT"

DEFINITIONS:

"Obligor" "Payor" is the person ordered to make support payments.

"Obligee" "Payee" is the person or agency entitled to receive support.

COMPLETE THIS FORM IF:

You completed a **"Request to Stop Order of Assignment"** and marked a box in Section A of Item 8 on the Request form.

TO COMPLETE THIS FORM YOU WILL NEED:

Information from, or your copy of, the **"Order of Assignment."**

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Fill in the name of the person shown as the petitioner on the **"Order of Assignment."**
- (2) Fill in the name of the person shown as the respondent on the **"Order of Assignment."**
- (3) Fill in the case number that appears on the **"Order of Assignment."**
- (4) Fill in the name and social security number (SSN) of the Obligor.
- (5) Fill in the date the **"Order of Assignment"** was signed (Item 10 on the Order).

Leave the rest of the form blank. The judicial officer (judge, commissioner, or referee) will complete the remaining items at the time of hearing.